

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Colin Barceloux,

Plaintiff

v.

The Light Group, LLC,

Defendant

2:15-cv-02448-JAD-NJK

**Order Denying Stipulation and Order
re: Leave to Amend Complaint**

[ECF 9]

The Light Group, LLC responded to Colin Barceloux's complaint with a motion to dismiss, scheduled for oral argument in April.¹ The parties have now stipulated to allow the plaintiff to file an amended complaint.²

But plaintiff does not need a stipulation or court order to amend his complaint. Defendant's motion to dismiss triggered FRCP 15(a)(1)(B) and gave him 21 days—until March 14, 2016, when you calculate in the extra three days for mailing under FRCP 6(d) and the fact that the third day would fall on a Saturday—to file an amended complaint as of right. No court order or stipulation is required. If plaintiff wants to file an amended complaint, he has until March 14, 2016, to do so. The parties are cautioned, however, that the filing of an amended complaint will render the pending motion to dismiss³ moot because “[i]t is well-established in our circuit that an ‘amended complaint supersedes the original’” and moots any motion to dismiss claims in the original complaint.⁴

¹ ECF 6.

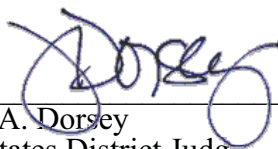
² ECF 9.

³ ECF 6.

⁴ *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (internal citation omitted)).

1 Because plaintiff does not need permission to file an amended complaint at this time, the
2 Stipulation and Order Granting Leave for Plaintiff to Amend Complaint [ECF 9] is **DENIED**.

3 Dated this 26th day of February, 2016.

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6 Jennifer A. Dorsey
7 United States District Judge
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